

**ZB# 96-48**

**Elizabeth Prudenti /  
Barbara Reed**

**80-1-28**

Fulm.

Dec. 9, 1996

Photos ~~WPA~~  
~~WPA~~

Need - Deed &

Title Report

Fees: ① 40.00  
② 300.00

Motion to Sced

P.H.  
Letter out 12/20/96

Public Hearing:

Jan. 13, 1997

Area Variance

Granted

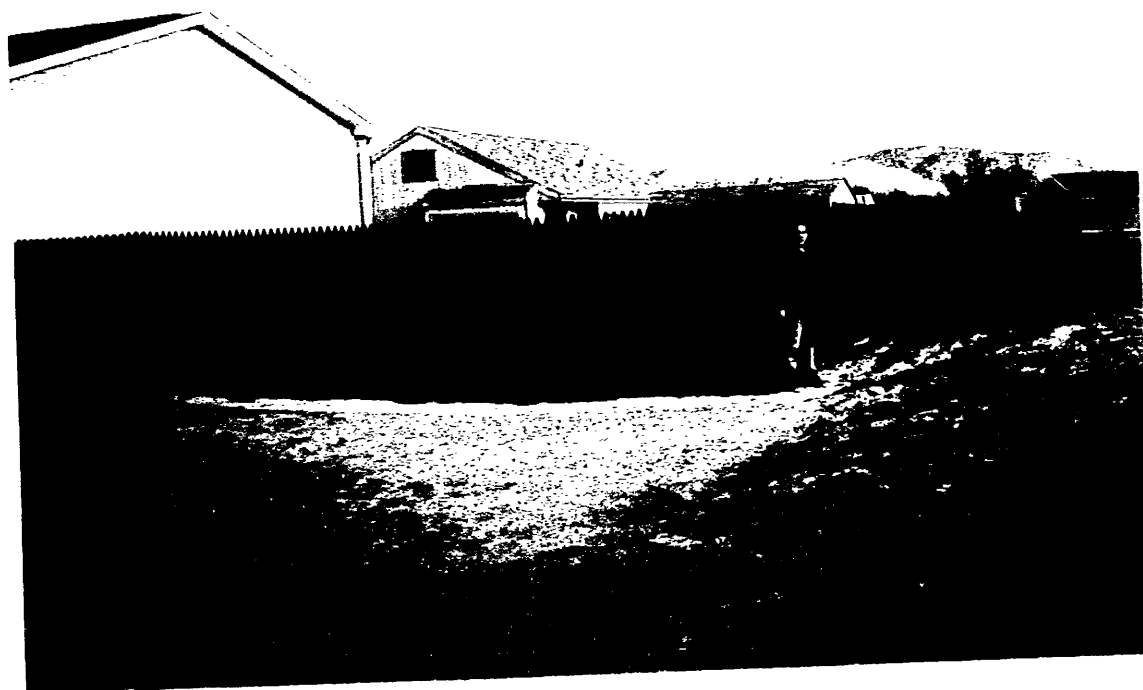
Refund \$ 189.50

F.D. Done

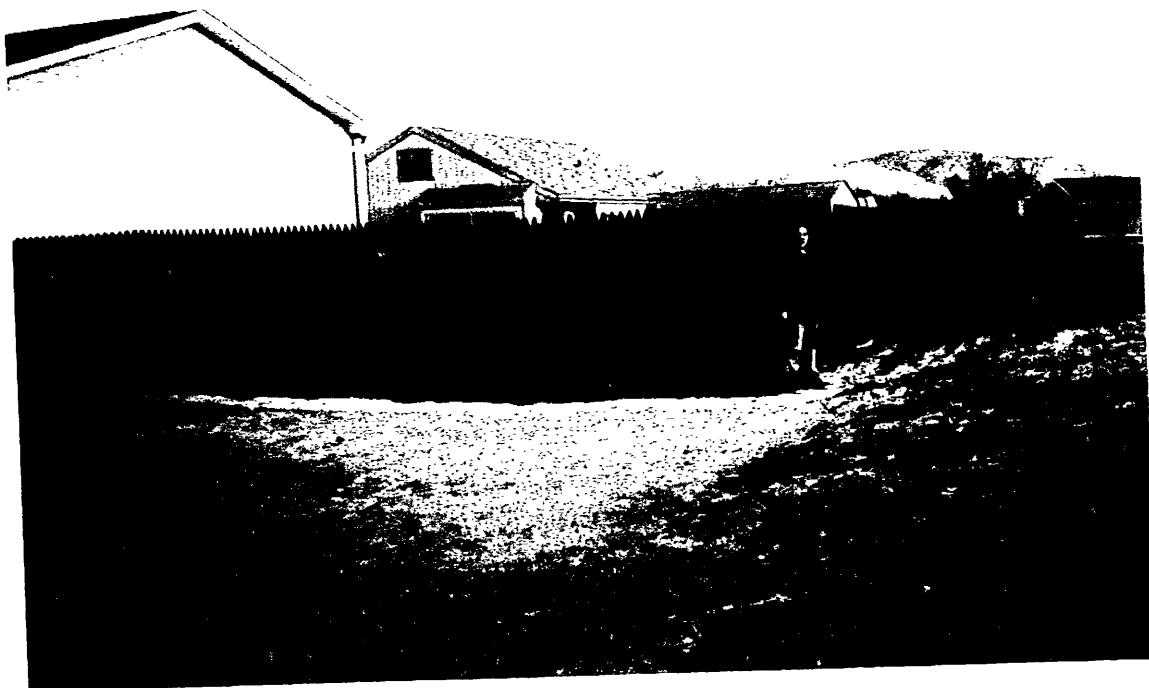
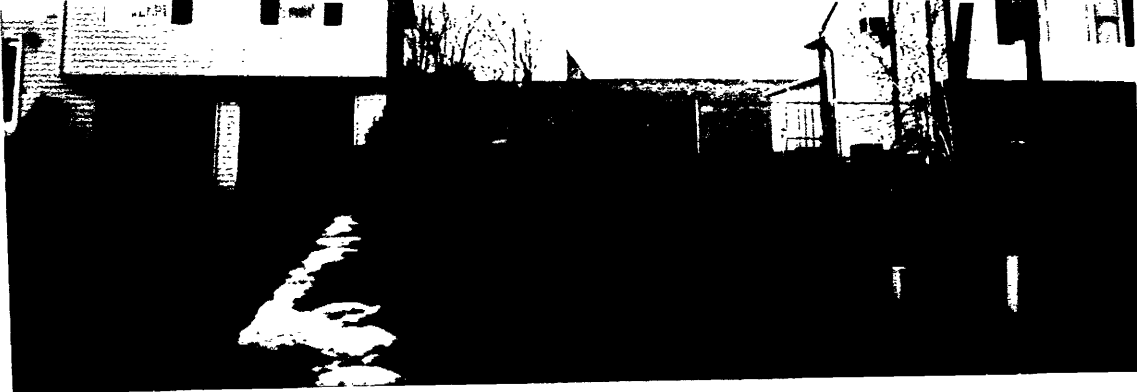
#96-48 - Prudenti/~~Antony~~ Reed  
area  
80-1-28







80-1-28



area  
80-1-28

## APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Prudenti/Reed 561-4610FILE # 96-48RESIDENTIAL: \$ 50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒USE ☐

APPLICATION FOR VARIANCE FEE . . . . .

\$ 50.00

\* \* \* \* \*

ESCROW DEPOSIT FOR CONSULTANT FEES . . . . .

\$ 300.00

## DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE 12/9/96 - 5 pages . . . . .\$ 22.502ND PRELIM. MEETING - PER PAGE 1/13/97 - 4 pages . . . . .\$ 18.00

3RD PRELIM. MEETING - PER PAGE . . . . .

\$           

PUBLIC HEARING - PER PAGE . . . . .

\$           

PUBLIC HEARING (CONT'D) PER PAGE . . . . .

\$           TOTAL . . . . . \$ 40.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 12/9/96 - . . . . .\$ 35.002ND PRELIM. 1/13/97 . . . . .\$ 35.00

3RD PRELIM. . . . .

\$           

PUBLIC HEARING . . . . .

\$           

PUBLIC HEARING . . . . .

\$           TOTAL . . . . . \$ 70.00

## MISC. CHARGES:

TOTAL . . . . . \$ 110.50LESS ESCROW DEPOSIT . . . . . \$ 300.00(ADDL. CHARGES DUE) . . . . . \$           REFUND DUE TO APPLICANT . . . . . \$ 189.50

(ZBA DISK#7-012192.FEE)

Refund





Date 1/22, 1992

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO Barbara G. Reed DR.  
65 Vails Gate Heights Drive  
New Windsor, Ny. 12553

Charge: 2BA

[illegible]

In the Matter of the Application of

**ELIZABETH PRUDENTI/BARBARA REED**

#96-48

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE**

**WHEREAS, ELIZABETH PRUDENTI, 50 Colgate Drive, Bardonia, N. Y. 10954, owner, and BARBARA REED, 65 Vails Gate Heights Drive, New Windsor, New York 12553, contract purchaser, have made application before the Zoning Board of Appeals for a 1 ft. maximum fence height and variation of Section 48-14C(1)(c)[1] of the Supplementary Yard Regulations, in order to allow an existing fence to be located at 76 Guernsey Drive in a CL-1 zone; and**

**WHEREAS, a public hearing was held on the 13th day of January, 1997 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, the Applicant, Barbara Reed, a contract purchaser of the home, appeared before the Board in behalf of both Applicants; and**

**WHEREAS, there were no spectators appearing at the public hearing; and**

**WHEREAS, no one spoke in favor of or in opposition to the Application; and**

**WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and**

**WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:**

**1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.**

**2. The evidence presented by the Applicant showed that:**

**(a) The property which is the subject of this Application is a residential property located in a neighborhood of residential properties.**

**(b) The property is located on a peculiarly-shaped lot and the location of the property on a corner and next to another road which, in effect, gives it three front yards for legal purposes.**

- (c) The fence has already been constructed and is in place.
- (d) The fence projects no closer to the road than the neighboring properties.
- (e) The fence is used, in part, for the safety of the children of the occupants of the home since, due to the homes location, it is necessary to keep the children away from the adjacent roadways.
- (f) The reason the variance is sought for the fence to project closer to the road than the principal dwelling is because of the property's location giving it, in effect, three front yards. The fence does not project closer to the road on the side of the property which is the actual front yard, containing the front door to the home.
- (g) The fence is well constructed and attractive and is consistent with and an enhancement to the neighborhood in which the property lies.
- (h) The fence does not block or interfere with any drainage or course of water or cause or interfere with any ponding of water.
- (i) The base of the fence is above ground level so that water could, but does not, pass unimpeded under the fence.
- (j) The fence was originally constructed by a professional landscaper and the failure of the Applicant to obtain a C.O. was due to the Applicant's reliance of the professional contractor.
- (k) The Applicant thought that all requirements had been taken care of.
- (l) The fence will not interfere with any septic since there are no septic systems on the property or in the area. The neighborhood is served by municipal sewer service.

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted due to the peculiar nature of the property and that the location of the existing fence will enhance rather than detract from the value of the property.
4. The requested variance will not have an adverse effect or impact on the physical or

environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed for the reason that the Applicant attempted to comply with the requirements of the Town Law at the time and thought she had complied with them. Furthermore, the variance should be allowed because the fence, in its present location, not conforming to the Zoning Local Law, actually enhances and increases the value of the property.

6. The benefit to the Applicant, if the requested variance is granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 1 ft. maximum fence height variance and variation of Section 48-14C(1)(c)(1) of the Supplementary Yard Regulations for an existing fence located at the above-referenced property in a CL-1 zone as sought by the Applicants in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: February 24, 1997.

  
Chairman

Date 1/26/1977, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Sycamore Drive DR.

New Windsor ny 12553

1977

CLAIMED

ALLOWED

1977	Planning Board Mtg.	75 00		
	Misc - 3			
	Tarsis - 6			
	Amoia - 13			
	Lam - 4			
	Andrews - 3			
	Nucifora - 2			
	Prudenti - 4 18.00.			
	<u>35 pgs</u>			
		157 50		
		232 50		

PRUDENTI, ELIZABETH/REED, BARBARA

MR. NUGENT: Request for 1 ft. maximum fence height variance and variation of Section 48-14C91)9c)[1] of the Supplemental Yard Regulations for existing fence at 76 Guernsey Drive in CL-1 zone.

Ms. Barbara Reed appeared before the board for this proposal.

MS. REED: I am requesting issuance of a variance Regarding the fence which was erected in June of 1990 on the property I have contracted to purchase on 76 Guernsey Drive, New Windsor. I have followed all the procedures required by the application procedure. The required mailings were completed, the advertisement was placed in the paper. I would like to make the following observations regarding this application for the variance. The fence is a wooden decorative fence that was constructed by Down-To-Earth Landscaping Corporation in June of 1990. It will probably be used for the safety of the children in my back yard while they are playing there. The fence does not block in any way the vision of the motorists traveling on the road located to the side and back of the property. As one can easily see from the pictures of the fence in question, and from the other pictures that I'd like to submit, taken from around the neighborhood, the fence is sturdy, functional and an enhancement to the neighborhood. Many, many of the other fences do not compare in quality and are obviously over the five foot maximum height allowed by zoning regulations, that you can tell in the pictures of any daughter standing next to the fence. She's exactly five foot tall. And they are way over her head. The variance is not a substantial, is not substantial for the request to allow one foot in additional height and also to allow the existing fence to project closer to the street than the principal dwelling. It is also evident by reviewing the pictures of the area that many fences now in existence project closer to the street than is allowed by this regulation. The fence could only add to the physical and environmental conditions in the neighborhood, it is sturdy, well designed and projects elegance. As the fence was constructed in 1990,

there's no possible way that the difficulty is self-created. I am addressing all of the things that you asked help me to address on the application form.

MS. BARNHART: Also for the record I have an affidavit of service by mail signed by myself stating that on December 20, 1996, I prepared 57 addressed envelopes and I attached a notice and sent them out.

MR. NUGENT: Is the first picture that you showed us, is this yours?

MS. REED: No, you have mine.

MR. NUGENT: These are all in the neighborhood?

MS. REED: Yes, sir.

MR. NUGENT: You might want to look at these.

MS. REED: These are probably better pictures, the ones right here.

MR. TORLEY: You have a nice fence.

MS. REED: I have the original purchase price of that and it cost \$2,500 to build in 1990.

MS. BARNHART: I bet.

MS. REED: I still don't own it, I have a signed contract on it but it's being--

MR. KRIEGER: Have you seen the property when there's been rain?

MS. REED: Yes and snow too for that matter.

MR. KRIEGER: Does the fence block any drainage, any course of water?

MS. REED: No and there's a tenant in there I have spoken to him and he said the property doesn't get any water at all and it doesn't block any water because if you can see, it's not built on the ground, it's up off

the ground in various heights because the fence goes up and down like this, it sort of curves, not built flush to the ground.

MR. KRIEGER: That is served by municipal sewer so there's no septic.

MS. REED: Right.

MR. BABCOCK: And water.

MR. TORLEY: The difficulty arises from the back of the property which is rather unique shaped and three front yards.

MS. REED: Right and there are a couple of other pictures of our properties, if I understand correctly, are in the same position, a couple of other cul-de-sacs in that area where there are fences on the side which is considered front because of how it's faced and there are--

MR. TORLEY: They'll be here when they go to sell their house.

MS. REED: Exactly.

MR. KANE: Do you have a pool in your back yard?

MS. REED: No.

MR. NUGENT: I'll accept a motion.

MR. TORLEY: I move we grant Barbara Reed/Elizabeth Prudenti the requested one foot variance.

MR. KANE: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE



January 13, 1997

32

MS. REED: When can I get the C.O.?

MR. BABCOCK: I will check with Frank, if everything is okay, we have to talk to, I have to talk to Frank, I don't know that we have been there and looked at the fence or not.

MS. REED: Because we're holding up, we just had to take an extension on the mortgage and we're going to lose the mortgage again.

MR. BABCOCK: We'll go there tomorrow and basically if the fence isn't falling down, we'll prepare the C.O.

MS. REED: Okay.

*Prelim.*  
*Dec. 9, 1996*  
*#96-48*

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: NOVEMBER 2, 1996

APPLICANT: ELIZABETH [REDACTED] *Prudenti*  
50 COLGATE DRIVE  
BURDONIA, N.Y. 10954

*Bobby Reed?*  
*Contractor/Vender*

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: JUNE 26, 1990  
FOR (BUILDING PERMIT): BUILDING PERMIT #5002  
LOCATED AT: 76 GUERNSEY DRIVE

ZONE: CLI

DESCRIPTION OF EXISTING SITE: SECTION: 80, BLOCK: 1, LOT: 28  
EXISTING ONE FAMILY HOME

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. EXISTING 5FT. FENCE PROJECTS CLOSER TO THE STREET THAN THE PRINCIPLE BUILDING.

*Christ Schmidt*  
BUILDING INSPECTOR

\*\*\*\*\*

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: CLI	USE 48-14 C(1)(c)(1)	
MAX. FENCE HT.	4FT.	5FT. 1FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT 714-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

I hereby  
Provide  
assigns  
Title  
field's  
1987 per  
the N.Y  
is, to

**IMPORTANT**  
**REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE**

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

**CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807**

- 1- WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
- 2- FOUNDATION INSPECTION - CHECK HERE FOR WATERPROOFING AND FOOTING DRAINS.
- 3- INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
- 4- WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
- 5- INSULATION.
- 6- PLUMBING FINAL & FINAL. HAVE ON HAND ELECTRICAL INSPECTION DATA PER THE BOARD OF FIRE UNDERWRITERS, AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETE AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
- 7- DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
- 8- \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE SAME INSPECTION TWICE.
- 9- PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
- 10- THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
- 11- SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
- 12- SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
- 13- ROAD OPENING PERMITS MUST BE OBTAINED FROM TOWN CLERK'S OFFICE.
- 14- ALL BUILDING PERMITS WILL NEED A CERTIFICATE OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A \$15.00 FEE FOR THIS.

Name of Owner of Premises Anthony & Elizabeth Prudenti  
Address 16 Greenway Dr Phone 561-3375  
Name of Architect \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Name of Contractor Down to Earth Landscaping

Name \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer.

\_\_\_\_\_  
(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of \_\_\_\_\_

(N.S.E. or W.)

and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated. Is property in a flood zone? Yes \_\_\_\_\_ No 1 ✓

3. Tax Map description of property: Section 80 Block 1 Lot 28

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:

a. Existing use and occupancy \_\_\_\_\_ b. Intended use and occupancy \_\_\_\_\_

5. Nature of work (check which applicable): New Building \_\_\_\_\_ Addition \_\_\_\_\_ Alteration \_\_\_\_\_ Repair \_\_\_\_\_  
Removal \_\_\_\_\_ Demolition \_\_\_\_\_ Other \_\_\_\_\_

6. Size of lot: Front Rear \_\_\_\_\_ Depth \_\_\_\_\_ Front Yard \_\_\_\_\_ Rear Yard \_\_\_\_\_ Side Yard \_\_\_\_\_

Is this a corner lot? \_\_\_\_\_

7. Dimensions of entire new construction: Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height 5' Number of stories \_\_\_\_\_

8. If dwelling, number of dwelling units fence Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_

Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_ Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_

If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost 11975.00 Fee \_\_\_\_\_

(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

**TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.**

Examined.....19.....  
Approved.....19.....  
Disapproved a/c.....  
Permit No. ....

Office Of Building Inspector  
Michael L. Babcock  
Town Hall, 555 Union Avenue  
New Windsor, New York 12550  
Telephone 565-8807.

Refer —

Planning Board.....  
Highway.....  
Sewer.....  
Water.....  
Zoning Board of Appeals.....

**APPLICATION FOR BUILDING PERMIT**

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

**INSTRUCTIONS**

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

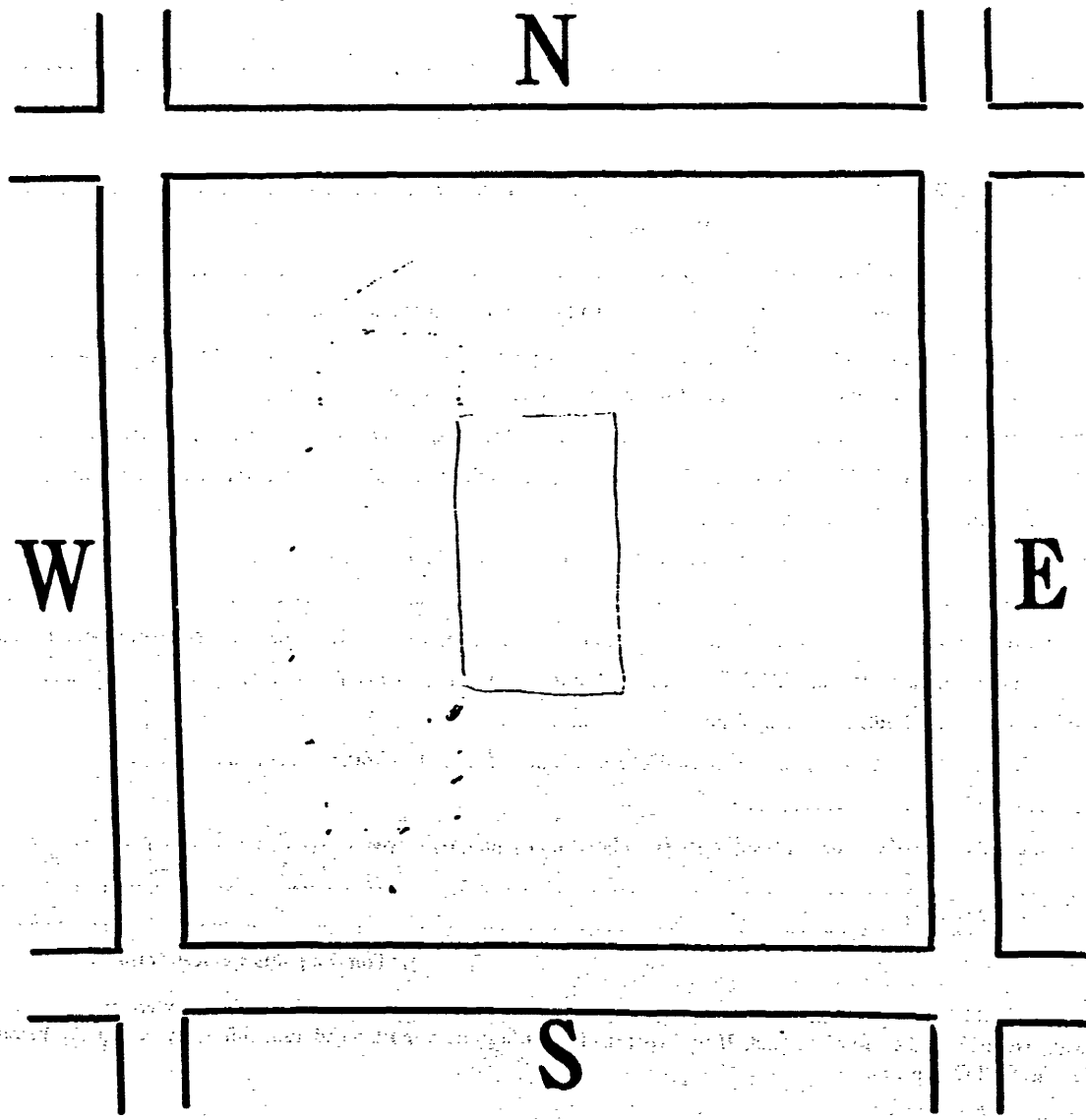
.....  
(Signature of Applicant)

.....  
(Address of Applicant)

NOTES:

**NOTE:** Locate all buildings and indicate all set-back dimensions.

**Applicant must indicate the building line or lines clearly and distinctly on the drawings.**







ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for Variance of

Elizabeth Prudenti / Barbara Reed

Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On December 20, 1996, I compared the 57 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart

Sworn to before me this  
27 day of December, 1996.

Mary Ann Hataling  
Notary Public

**MARY ANN HOTALING**  
Notary Public, State of New York  
No. 01HO5062877  
Qualified in Orange County  
Commission Expires July 8, 1998

(TA DOCDISK#7-030586.AOS)

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 96-48.

Date: 12/19/96.

I. ✓ Applicant Information:

- (a) Anthony and Elizabeth C. Prudenti 50 Colgate Dr Bardonia NY  
(Name, address and phone of Applicant) (Owner)  
(b) Barbara G. Reed 65 Vails Gate Heights Dr New Windsor NY  
(Name, address and phone of purchaser or lessee) 561-4610  
(c) \_\_\_\_\_  
(Name, address and phone of attorney)  
(d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance  
☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) C2-1 76 Guernsey Dr New Windsor NY 80-1-28  
(Zone) (Address) (S B L) (Lot size)  
(b) What other zones lie within 500 ft.? N/A  
(c) Is a pending sale or lease subject to ZBA approval of this application? YES  
(d) When was property purchased by present owner? \_\_\_\_\_  
(e) Has property been subdivided previously? NO  
(f) Has property been subject of variance previously? NO  
If so, when? \_\_\_\_\_  
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO  
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance. NA

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_

<sup>N/A</sup>  
(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

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(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes      No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-14, ~~Table of~~ C(1)(c)(1) ~~Regs.~~, Reg. Supplementary Yard Regulation.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		
Parking Area		
maximum fence height 4ft	5ft	1ft

\* Residential Districts only

\*\* No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

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(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A.

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) N/A Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

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(c) N/A What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

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VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- file ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.  
file ☒ Copy of tax map showing adjacent properties.  
☒ Copy of contract of sale, lease or franchise agreement.  
☒ Copy of deed and title policy.  
☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.  
N/A ☒ Copy(ies) of sign(s) with dimensions and location.  
☒ Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.  
☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 12/11/96.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X. Barbara A. Reed  
(Applicant)

Sworn to before me this

17th day of December, 1996.

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_

PATRICIA A. BARNHART  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 1997.

(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.**

**(ZBA DISK#7-080991.AP)**

Town of New Windsor  
Zoning Board of Appeals  
New Windsor, New York

I, Barbara G. Reed, respectfully request the issuing of a variance regarding a fence which was erected in June of 1990 on the property I have contracted to purchase at 76 Guernsey Drive, New Windsor, New York.

I have followed all the procedures required by the application procedure. The required mailings were completed and the advertisement was placed in the paper.

I would like to make the following observations regarding this application for a variance:

1. The fence is a wooden decorative fence that was constructed by Down To Earth Landscaping Corporation in June of 1990. It will primarily be used for the safety of the children in my family while they are playing in the their backyard.
2. The fence does not block in any way the vision of motorists traveling on the road located to the side and back of this property.
3. As one can easily see from the pictures of the fence in question and from pictures taken around the neighborhood of existing fences, this fence is sturdy and functional and an enhancement to the neighborhood. Many of the other fences do not compare in quality and are obviously over the four foot maximum height allowed by zoning regulations.
4. The variance is not substantial for the request is to allow one foot in additional height and also to allow the existing fence to project closer to the street than the principle dwelling.

It is also evident by reviewing the pictures of the area that many fences now in existence project closer to the street than is allowed by regulation.

5. This fence could only add to the physical and environmental conditions in the neighborhood. It is sturdy, well-designed and projects elegance.
6. As the fence was constructed in 1990, there is no possible way the difficulty is self-created.

Thank you for your time in this matter.

Barbara G. Reed

*Barbara G. Reed*

Pls. publish asap. Send bill to Barbara Reed  
65 Vails Gate Hgts. Drive  
New Windsor, NY 12553

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 48

Request of Elizabeth Prudenti & Barbara Reed

for a VARIANCE of the Zoning Local Law to permit:

existing 5ft. fence, which projects closer to  
street than the principal building;

being a VARIANCE of Section 48-14 C (1) (c) [1] of the  
Supplementary Yard Regs.

for property situated as follows:

76 Guernsey Drive, New Windsor, N.Y. 12553

known as tax lot Section 80 Block 1 Lot 28.

SAID HEARING will take place on the 13<sup>th</sup> day of January,  
1996, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

James Nugent  
Chairman

By: Patricia A. Banhart



2/9/96	Zoning Board Meeting	75.00
	Misc - 3	
	Pollegano - 7	
	<del>Student/Board - 5</del> 22.50	
	Mans - 5	
	<u>20</u>	
		90.00
		<u>165.00</u>

PRUDENTI/REED

MR. NUGENT: Request for variation of Section 48-14C(1)(c)(1) to allow existing five ft. fence at 76 Guernsey Drive in a CL-1 zone. Fence projects closer to street than the principal building.

Ms. Barbara Reed appeared before the board for this proposal.

MS. REED: I am in the process of buying this house at 76 Guernsey Drive on assignment new purchaser, this is the fence that we're talking about, it is a wooden fence that totally surrounds the property which was put on the property obviously before I came on to the scene. I feel a little bit at a disadvantage because my understanding was that it didn't receive the C.O. because of its height and therefore, we have been working, I have been working on the assumption that it is six inches too tall and that is what my lawyer thought and Mr. Bloom thought and a lot of different people thought, that is why I am here to talk to you tonight, that is why I have the pictures, they were there about to lop off the top 6 inches on the fence.

MR. KANE: Is this a corner property?

MS. REED: Up along this side here is a road.

MR. TORLEY: Yes, it is.

MS. REED: It's a cul-de-sac that is up around the side of me.

MR. TORLEY: Actually has three front yards.

MR. KANE: Technically, yes.

MS. REED: Yes and it's a circular driveway in front of the house. Taking off the top six inches would get the lattice work off and kill the fence in my opinion.

MR. NUGENT: It's a foot, not six inches.

MR. TORLEY: Four feet in the front yard.

MR. KANE: It's very technical, the way your property is, it's too high. If you want to have a pool in there, it would be just right.

MS. REED: There's no pool.

MR. KANE: If they wanted to have one and knowing Butter Hill, they are full of them.

MR. NUGENT: If she had a pool she'd be right.

MR. BABCOCK: She'd need a variance.

MR. KANE: New Windsor has a five foot law for pools.

MR. TORLEY: They are hopefully going to make the laws--

MR. BABCOCK: Well, in this case, it won't do much because the pool would be in violation because it would be in the front yard in this particular case.

MR. TORLEY: Because this woman has three front yards.

MR. REIS: Is there any indication how long the fence has been there?

MS. REED: I do not know that, the house is eight years old, so I know that it was not there, I shouldn't say that, I can't answer that question, I'm not sure how the fence is built.

MR. KANE: It's very similar to other properties in that development.

MS. REED: Oh, yes, yes, and the fence, to tell you the truth was one of the reasons that I wanted to purchase the house because the fence is a very pretty addition to the property, I believe that it adds to the beauty of the area because it is a cul-de-sac and this is the house that sort of comes around it and it does the whole side, the whole back, it's all around, the gate is the same exact fencing, we have a picture of the gate also, it's all made to add to--

MR. KANE: Are there other homes in your neighborhood, do they have similar size fences?

MS. REED: Size this way?

MR. KANE: Height, yes.

MS. REED: I don't know the answer to that question. Most of the fences in the neighborhood I'm not sure that most of the fences in the neighborhood are wooden like that, I think maybe some of them are--

MR. KANE: Quite a few of them are and quite a number of them are, I happen to live over there.

MS. REED: This is a dream of ours, this house.

MR. KANE: When you come for the public hearing, you'll have to have a public hearing on this here, take some pictures of some homes in your area that show similar type fences. There are plenty of them. You can go up to my house and snap one, I'm in Butter Hill, it's a very common thing for that particular area.

MR. TORLEY: This is a really nice fence.

MS. REED: My heart just died when I got the message on my machine they were about to cut it down with a saw, they were going to take the whatever 12 inches off with a saw.

MR. KRIEGER: That won't help you.

MR. KANE: What happens is the way your house is situated and the way New Windsor law reads that your house actually has three front yards because of the way it's settled and any fence would be in violation over four feet high or this is projecting closer than the house so--

MS. REED: Can you explain that to me? I don't know what that phrase meant.

MR. TORLEY: If the fence is closer to the road than

your house, it can only be four feet high. If it's in the back of your house, it can be considerably higher, that is the code was put in so people wouldn't put an eight foot tall fence right up against the road.

MS. REED: Well, this one you can definitely see.

MR. TORLEY: That is one of the things that you will want to discuss as part of other concerns have to be public safety, make sure that this fence is not obstructing the sight lines of drivers, et cetera, so the cars you can see each other around corners so be prepared to talk on that, just to mention it at least.

MR. NUGENT: Any further questions?

MR. KANE: Not at this time.

MR. NUGENT: Accept a motion.

MR. KANE: I move that we set up Prudenti/Reed for the requested variance for a public hearing.

MR. REIS: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE
MR. REIS	AYE

MR. KRIEGER: When you come back, this is a list of criteria that the state requires the zoning board of appeals to address, when you make an application of this kind. So if you would address yourself to these criteria set forth there, that would be helpful. Also I'd like to see a copy of your deed and copy of the title policy when you come, I don't need to keep them, I just want to look at them.

MS. REED: This is on the 13th of January?

MR. KRIEGER: Yes, when the public hearing is held.

MR. TORLEY: Depends when you get your paperwork done and things like that. We have given you, now you have the right to a public hearing, you're not committed to do any of this, if you want to change your mind, you can as soon as you get your paperwork in, the secretary will set you up.

MR. KANE: Public hearing cannot take place unless your notice has been in the paper for at least ten days so when you get back to Pat with the mailing list and all that stuff, then she can send it to the Sentinel and be posted for public viewing for ten days.

MS. BARNHART: It's all on here, you can read it all on here instead of remembering what he just told you.

MS. REED: I'm about to lose a mortgage on that so that is what's--

MS. BARNHART: Here's your paperwork and there's the explanation of what you have to do, okay, if you have any questions, you can call me.

MS. REED: Yeah, we're used to that. Should I leave the pictures with you?

MS. BARNHART: If you want to take them, you can take them but you have to bring them back for the hearing, okay?

MS. REED: Thank you.



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

(57)

1763

December 19, 1996

Barbara G. Reed  
65 Vails Gate Heights Dr  
New Windsor, NY 12553

Re: Tax Map Parcel: 80-1-28

Dear Mrs. Reed:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

*J. Cook*  
LESLIE COOK  
Sole Assessor

cd/  
attachnents

cc: ~~Pat Barnhart~~

Noble, James R. & Maureen P.  
340 Butternut Dr.  
New Windsor, NY 12553

Wandell, Anthony  
338 Butternut Dr.  
New Windsor, NY 12553

Malec, Michael W. & Lorene E.  
336 Butternut Dr.  
New Windsor, NY 12553

Tannenbaum, Farrel & Heidi  
334 Butternut Dr.  
New Windsor, NY 12553

Bradley, Joan F.  
332 Butternut Dr.  
New Windsor, NY 12553

Bell, Michael A. & Nancy R.  
330 Butternut Dr.  
New Windsor, NY 12553

Citibank NA  
15851 Clayton Road, West  
Ballwin, MO 63011

Carpenter, Brian R. & Janet M.  
96 Guernsey Dr.  
New Windsor, NY 12553

Keating, James F. & Nancy E.  
94 Guernsey Dr.  
New Windsor, NY 12553

Hernandez, Louis  
92 Guernsey Dr.  
New Windsor, NY 12553

Dicocco, Luigi A. & Linda  
90 Guernsey Dr.  
New Windsor, NY 12553

Barton, Albert K. Jr. & Janet A.  
88 Guernsey Dr.  
New Windsor, NY 12553

Barth, John C. & Pamela K.  
86 Guernsey Dr.  
New Windsor, NY 12553



Jurik, Robert F. & Rose M.  
84 Guernsey Dr.  
New Windsor, NY 12553

Motard, Roland & Leslie  
82 Guernsey Dr.  
New Windsor, NY 12553

Duarte, Anthony C. & Mary J.  
80 Guernsey Dr.  
New Windsor, NY 12553

Resch, Kim J. & Pamela Freeman-Resch  
78 Guernsey Dr.  
New Windsor, NY 12553

Cummings, Kevin R. & Rose M.  
3 Jersey Court  
New Windsor, NY 12553

Sorrentino, John & Roger, Yolanda  
5 Jersey Court  
New Windsor, NY 12553

La Nantia, Douglas J & Tara Meehan  
6 Jersey Ct.  
New Windsor, NY 12553

Valois, Charles S.  
4 Jersey Court  
New Windsor, NY 12553

Horn, Thomas F & Barbara S  
2 Jersey Ct.  
New Windsor, NY 12553

Pulliam, Charles & Joann  
72 Guernsey Dr.  
New Windsor, NY 12553

Coleman, Robert W & Joanne M  
70 Guernsey Dr.  
New Windsor, NY 12553

Discala, Elizabeth  
68 Guernsey Dr.  
New Windsor, NY 12553

Bush, Robert J & Nora J  
66 Guernsey Dr.  
New Windsor, NY 12553

Perez, Victor M & Maria A  
64 Guernsey Dr.  
New Windsor, NY 12553

SDC REALTY CORP  
555 Blooming Grove Tpke  
New Windsor, NY 12553

Amigo, Rochelle D  
53 Guernsey Dr.  
New Windsor, NY 12550

Vinci, Dominick & Iola & Jennie  
449 Franklin St  
Rye Brook, NY 10573

Winkler, Fred D & Sheryl L  
49 Guernsey Dr  
New Windsor, NY 12553

Melamede, Cecile & Rosalyn Altschulser  
PO Box 4215  
New Windsor, NY 12553

Carpenter, John  
272 Quassaick Ave  
New Windsor, NY 12553

Brown, Tyrone K & Patriase E  
41 Guernsey Dr  
New Windsor, NY 12553

Schaum, Kevan & Jayne  
39 Guernsey Dr.  
New Windsor, NY 12553

Tait, Gregory B & Suzanne Dennis-Tait  
As Trustees of Revocable Living Trust  
37 Guernsey Dr.  
New Windsor, NY 12553

Maiello, Joseph Jr. & Bonnie  
100 Creamery Dr.  
New Windsor, NY 12553

Schorno, James A  
102 Creamery Dr.  
New Windsor, NY 12553

Cady, Barbara Ann  
104 Creamery Dr.  
New Windsor, NY 12553

Olan, Freddy & Nancy  
106 Creamery Dr.  
New Windsor, NY 12553

Moon, Edward S & Linda A  
108 Creamery Dr.  
New Windsor, NY 12553

Blair, John Neil & Marie T  
110 Creamery Dr.

New Windsor, NY 12553

Craig, Theresia & Kenneth W.  
112 Creamery Dr.  
New Windsor, NY 12553

Izer, Robert H & Patricia A  
127 Creamery Dr.  
New Windsor, NY 12553

Luckett, Larry W & Judith A  
125 Creamery Dr.  
New Windsor, NY 12553

Chang Ching-Chin & Jessie Kuo  
PO Box 127  
Morris Plains, NJ 07950

Petronzio, Mark D & Barbara  
2 Shaker Court  
New Windsor, NY 12553

Cabrera, Ronald & Marie A  
4 Shaker Ct.  
New Windsor, NY 12553

The Mcquade Foundation  
PO Box 4064  
New Windsor, NY 12553

Bradley, Terrence & Mary  
543 & 545 Blooming Grove Tpke  
New Windsor, NY 12553

Metzger, Edwin J & Kathleen A  
539 Bloominggrove Tpke  
New Windsor, NY 12553

Latorre, Augusto & Gloria  
537 Blooming Grove Tpke  
New Windsor, NY 12553

Brophy, Ronald A  
533 Blooming Grove Tpke  
New Windsor, NY 12553

Moore, Charles A. & Raelynn Engan Moore  
333 Butternut Dr.  
New Windsor, NY 12553

Oates, Micheal & Josephine  
117 Creamery Dr.  
New Windsor, NY 12553

Hoey, Leonard  
1 Shaker Ct.  
New Windsor, NY 12553

Wolfe, Randolph G & Peggy L  
62 Guernsey Dr.  
New Windsor, NY 12553